

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
JUSTIN T. QUINN
UNITED STATES MAGISTRATE JUDGE

CLARKSON S. FISHER FEDERAL
BUILDING & U.S. COURTHOUSE
402 EAST STATE STREET
TRENTON, N.J. 08608
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April 22, 2025

LETTER ORDER

Re: *Moses v. Wayfair, et al.*
Civil Action No. 20-5278 (RK) (JTQ)

Dear Parties:

On March 28, 2025, Defendants moved for discovery sanctions because “Plaintiff broke his cell phone during discovery without backing up his data, changed his cell phone carriers, and refused to produce cell phone billing statements.” (ECF No. 120 at 2). Defendants claim that the motion was necessary because these records were “central to [why] Wayfair terminat[ed]” Plaintiff, supported “Defendants’ defenses,” and would be used to “refute [Plaintiff’s] claims and future testimony at trial.” (*Id.*).

After filing this motion, the undersigned learned that after discovery had closed Defendants revisited a subpoena that previously was served on T-Mobile. And apparently “[o]n April 9, 2025, T-Mobile produced . . . documents responsive to Defendants’ subpoena for Plaintiff’s phone number,” which, according to Defendants, “show that on April 3, 2020, during the time Plaintiff was on shift and on the warehouse floor, Plaintiff competed over 160 minutes of telephone calls and sent 16 text messages.” (ECF No. 124).

Based on these records, the undersigned believes that Defendants’ motion for spoliation sanctions is moot. For that reason, the Clerk of Court is kindly directed to terminate the motion (ECF No. 120). Magistrate Judge Quinn will conduct a telephone status conference in this matter on April 28, 2025 at 2:00 PM, during which the Court will discuss these records and Defendants’ subpoena. The parties will be provided dial-in information via email.

SO ORDERED.

s/ Justin T. Quinn
wHon. Justin T. Quinn, U.S.M.J.